

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Industrial Hemp Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Agriculture.

8 "Director" means the Director of Agriculture.

9 "Industrial hemp" means the plant *Cannabis sativa* L. and
10 any part of that plant, whether growing or not, with a delta-9
11 tetrahydrocannabinol concentration of not more than 0.3
12 percent on a dry weight basis that has been cultivated under a
13 license issued under this Act or is otherwise lawfully present
14 in this State, and includes any intermediate or finished
15 product made or derived from industrial hemp.

16 "Land area" means a farm as defined in Section 1-60 of the
17 Property Tax Code in this State or land or facilities under the
18 control of an institution of higher education.

19 "Person" means any individual, partnership, firm,
20 corporation, company, society, association, the State or any
21 department, agency, or subdivision thereof, or any other
22 entity.

23 "Process" means the conversion of raw industrial hemp plant

1 material into a form that is presently legal to import from
2 outside the United States under federal law.

3 "THC" means delta-9 tetrahydrocannabinol.

4 Section 10. Licenses and registration.

5 (a) Under Section 5940 of Title 7 of the United States
6 Code, no person shall cultivate industrial hemp in this State
7 without a license issued by the Department.

8 (b) The application for a license shall include:

9 (1) the name and address of the applicant;

10 (2) the legal description of the land area, including
11 Global Positioning System coordinates, to be used to
12 cultivate industrial hemp; and

13 (3) if federal law requires a research purpose for the
14 cultivation of industrial hemp, a description of one or
15 more research purposes planned for the cultivation of
16 industrial hemp which may include the study of the growth,
17 cultivation, or marketing of industrial hemp; however, the
18 research purpose requirement shall not be construed to
19 limit the commercial sale of industrial hemp.

20 (b-5) A person shall not process industrial hemp in this
21 State without registering with the Department on a form
22 prescribed by the Department.

23 (c) The Department may determine, by rule, the duration of
24 a license or registration; application, registration, and
25 license fees; and the requirements for license or registration

1 renewal.

2 Section 15. Rules.

3 (a) The application and licensing requirements shall be
4 determined by the Department and set by rule within 120 days of
5 the effective date of this Act.

6 (b) The rules set by the Department shall include one
7 yearly inspection of a licensed industrial hemp cultivation
8 operation and allow for additional unannounced inspections of a
9 licensed industrial hemp cultivation operation at the
10 Department's discretion.

11 (c) The Department shall adopt rules necessary for the
12 administration and enforcement of this Act, including rules
13 concerning standards and criteria for licensure and
14 registration, for the payment of applicable fees, signage, and
15 for forms required for the administration of this Act.

16 (d) The Department shall adopt rules for the testing of the
17 industrial hemp THC levels and the disposal of plant matter
18 exceeding lawful THC levels, including an option for a
19 cultivator to retest for a minor violation, with the retest
20 threshold determined by the Department and set in rule. Those
21 rules may provide for the use of seed certified to meet the THC
22 levels mandated by this Act as an alternative to testing.

23 Section 17. Administrative hearings. Administrative
24 hearings involving licensees under this Act shall be conducted

1 under the Department's rules governing formal administrative
2 proceedings.

3 Section 18. Industrial Hemp Regulatory Fund. There is
4 created in the State treasury a special fund to be known as the
5 Industrial Hemp Regulatory Fund. All fees and fines collected
6 by the Department under this Act shall be deposited into the
7 Fund. Moneys in the Fund shall be utilized by the Department
8 for the purposes of implementation, administration, and
9 enforcement of this Act.

10 Section 19. Immunity. Except for willful or wanton
11 misconduct, a person employed by the Department shall not be
12 subject to criminal or civil penalties for taking any action
13 under this Act when the actions are within the scope of his or
14 her employment. Representation and indemnification of
15 Department employees shall be provided to Department employees
16 as set forth in Section 2 of the State Employee Indemnification
17 Act.

18 Section 20. Hemp products. Nothing in this Act shall alter
19 the legality of hemp or hemp products that are presently legal
20 to possess or own.

21 Section 25. Violation of federal law. Nothing in this Act
22 shall be construed to authorize any person to violate federal

1 rules, regulations, or laws. If any part of this Act conflicts
2 with a provision of the federal laws regarding industrial hemp,
3 the federal provisions shall control to the extent of the
4 conflict.

5 Section 895. The State Finance Act is amended by adding
6 Section 5.886 as follows:

7 (30 ILCS 105/5.886 new)

8 Sec. 5.886. The Industrial Hemp Regulatory Fund.

9 Section 900. The Illinois Noxious Weed Law is amended by
10 changing Section 2 as follows:

11 (505 ILCS 100/2) (from Ch. 5, par. 952)

12 Sec. 2. As used in this Act:

13 (1) "Person" means any individual, partnership, firm,
14 corporation, company, society, association, the State or any
15 department, agency, or subdivision thereof, or any other
16 entity.

17 (2) "Control", "controlled" or "controlling" includes
18 being in charge of or being in possession, whether as owner,
19 lessee, renter, or tenant, under statutory authority, or
20 otherwise.

21 (3) "Director" means the Director of the Department of
22 Agriculture of the State of Illinois, or his or her duly

1 appointed representative.

2 (4) "Department" means the Department of Agriculture of the
3 State of Illinois.

4 (5) "Noxious weed" means any plant which is determined by
5 the Director, the Dean of the College of Agricultural, Consumer
6 and Environmental Sciences of the University of Illinois and
7 the Director of the Agricultural Experiment Station at the
8 University of Illinois, to be injurious to public health,
9 crops, livestock, land or other property. "Noxious weed" does
10 not include industrial hemp as defined and authorized under the
11 Industrial Hemp Act.

12 (6) "Control Authority" means the governing body of each
13 county, and shall represent all rural areas and cities,
14 villages and townships within the county boundaries.

15 (7) "Applicable fund" means the fund current at the time
16 the work is performed or the money is received.

17 (Source: P.A. 99-539, eff. 7-8-16.)

18 Section 905. The Cannabis Control Act is amended by
19 changing Sections 3 and 8 as follows:

20 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

21 Sec. 3. As used in this Act, unless the context otherwise
22 requires:

23 (a) "Cannabis" includes marihuana, hashish and other
24 substances which are identified as including any parts of the

1 plant Cannabis Sativa, whether growing or not; the seeds
2 thereof, the resin extracted from any part of such plant; and
3 any compound, manufacture, salt, derivative, mixture, or
4 preparation of such plant, its seeds, or resin, including
5 tetrahydrocannabinol (THC) and all other cannabinol
6 derivatives, including its naturally occurring or
7 synthetically produced ingredients, whether produced directly
8 or indirectly by extraction, or independently by means of
9 chemical synthesis or by a combination of extraction and
10 chemical synthesis; but shall not include the mature stalks of
11 such plant, fiber produced from such stalks, oil or cake made
12 from the seeds of such plant, any other compound, manufacture,
13 salt, derivative, mixture, or preparation of such mature stalks
14 (except the resin extracted therefrom), fiber, oil or cake, or
15 the sterilized seed of such plant which is incapable of
16 germination. "Cannabis" does not include industrial hemp as
17 defined and authorized under the Industrial Hemp Act.

18 (b) "Casual delivery" means the delivery of not more than
19 10 grams of any substance containing cannabis without
20 consideration.

21 (c) "Department" means the Illinois Department of Human
22 Services (as successor to the Department of Alcoholism and
23 Substance Abuse) or its successor agency.

24 (d) "Deliver" or "delivery" means the actual, constructive
25 or attempted transfer of possession of cannabis, with or
26 without consideration, whether or not there is an agency

1 relationship.

2 (e) "Department of State Police" means the Department of
3 State Police of the State of Illinois or its successor agency.

4 (f) "Director" means the Director of the Department of
5 State Police or his designated agent.

6 (g) "Local authorities" means a duly organized State,
7 county, or municipal peace unit or police force.

8 (h) "Manufacture" means the production, preparation,
9 propagation, compounding, conversion or processing of
10 cannabis, either directly or indirectly, by extraction from
11 substances of natural origin, or independently by means of
12 chemical synthesis, or by a combination of extraction and
13 chemical synthesis, and includes any packaging or repackaging
14 of cannabis or labeling of its container, except that this term
15 does not include the preparation, compounding, packaging, or
16 labeling of cannabis as an incident to lawful research,
17 teaching, or chemical analysis and not for sale.

18 (i) "Person" means any individual, corporation, government
19 or governmental subdivision or agency, business trust, estate,
20 trust, partnership or association, or any other entity.

21 (j) "Produce" or "production" means planting, cultivating,
22 tending or harvesting.

23 (k) "State" includes the State of Illinois and any state,
24 district, commonwealth, territory, insular possession thereof,
25 and any area subject to the legal authority of the United
26 States of America.

1 (1) "Subsequent offense" means an offense under this Act,
2 the offender of which, prior to his conviction of the offense,
3 has at any time been convicted under this Act or under any laws
4 of the United States or of any state relating to cannabis, or
5 any controlled substance as defined in the Illinois Controlled
6 Substances Act.

7 (Source: P.A. 89-507, eff. 7-1-97.)

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.